

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Prohibition & Excise Department – Sri Kalyanam Bhaskara Rao, formerly Assistant Commissioner of Prohibition & Excise, Srikakulam (Retd. on 30.06.2004) – Allegation of acquisition of assets disproportionate to the known sources of income – Withdrawal of prosecution – Initiation of Departmental Action – Orders – Issued.

REVENUE (VIG.V) DEPARTMENT

G.O. Rt. No. 1645

Dt:12.11.2013.

Read the following:-

1. From the D.G., ACB., A.P., Hyderabad Lr. Rc.No.104/RCA-VSK/2000-S12, dt.11.11.2003.
2. Govt. Memo No.2708/Vig.V(2)/2001-8, dt.22.02.2005.
3. The Income Tax Appellate Tribunal, Hyderabad Bench, Hyderabad IT (SS) A No.81/Hyd/05, dt.31.07.2009 & 23.07.2010.
4. Sri K. Bhaskara Rao, AC P&E (Retd.) Representation, dt.02.01.2013.

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O R D E R:

In the reference 1st read above, the Director General, Anti Corruption Bureau, A.P., Hyderabad has recommended for prosecution of Sri Kalyanam Bhaskara Rao, formerly Assistant Commissioner of Prohibition & Excise, Srikakulam (Retd. on 30.06.2004) in the court of law, on the allegation that he acquired assets disproportionate to the known sources of his legal income to a tune of Rs.97,86,854/-.

2) In the reference 2nd read above, the Director General, Anti Corruption Bureau, A.P., Hyderabad was permitted to file charge sheet in the Hon'ble Special Court for SPE & ACB Court, Visakhapatnam, and the ACB authorities have filed charge sheet on 09.05.2005.

3) In the reference 4th read above, Sri K. Bhaskar Rao, AC P&E (Retd.) has made a representation before the Government, stating that the Assessing Officer, Income-Tax Department without properly considering the explanations submitted by him, his relatives and other witnesses produced, arbitrarily determined his undisclosed income at Rs.60,47,537/- When approached, the Income Tax Appellate Tribunal (ITAT) in its order reduced the assessed income to Rs.5,10,000/- from Rs.60,47,537/- and held that the balance amount of Rs.55,37,537/- cannot be treated as undisclosed income. He has also stated that he has informed the department about the movable and immovable properties belong to him and his family members i.e., his wife and his children and sources for acquisition and most of the fixed deposits are held by him and his family members. Some of the amounts were received by his children from their grand parents from their childhood i.e., from his father, his mother and his father in law, who passed away. He has requested the Government to consider the facts narrated in the representation and to drop further action by cancelling the prosecution orders in the matter.

4) Government after careful examination of the representation of the Accused Officer, it is observed that while assessing the value of the properties the details filed with taxation authorities and in the property returns shall be given due weightage while calculating the disproportionate assets. It is also observed that the properties of the kith and kin of the accused officer should not automatically be added to the property of the Accused Officer without proper analysis of the source of such assets of kith and kin and friends as per the

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instructions issued in Govt. Memo No.623/Spl.C/A1/2008-1, dt.15.10.2008. These instructions should be undertaken before arriving at a decision to include the same in the properties of the accused officer and the Government servant shall be allowed 20% margin while computing the disproportionate assets. The instant case is arising out of the surprise check conducted by the Income Tax Authorities on 10.06.2000 while the AO travelling from Srikakulam to Hyderabad to undergo Training. When the AO approached the Income Tax Appellate Tribunal (ITAT) against assessment orders, the Hon'ble ITAT has reduced the undisclosed income from Rs.60,47,537/- to Rs.5,10,000/-. For that amount the Accused Officer has stated that out of Rs.5,10,000/-, Rs.1,75,000/- represents the loan taken for purchase of Indica Car for which permission was obtained Rs.25,000/- and Rs.3,00,000/- being the investment in fixed deposits were explained to be the amounts received from the parents and in-laws of the CO as gifts to the grand children and from out of the savings of the AO. Government after considering the facts put forth by the AO, have decided to withdraw the prosecution against Sri K. Bhaskara Rao, Assistant Commissioner of Prohibition & Excise (Retd.) and to initiate Departmental Action against him instead of prosecution.

5) The Director General, Anti Corruption Bureau, A.P., Hyderabad is therefore requested to direct the concerned Public Prosecutor to withdraw the prosecution filed against Sri Kalyanam Bhaskara Rao, Assistant Commissioner of Prohibition & Excise, (Retd.) and furnish the draft Article of Charges against the AO to Government for taking further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P. SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General, Anti Corruption Bureau,
Andhra Pradesh, Hyderabad.

The individual thro' the Commissioner of Prohibition & Excise,
Andhra Pradesh, Hyderabad.

Copy:-
The Secretary, A.P. Vigilance Commission,
Secretariat, Hyderabad.
File.

// FORWARDED :: BY ORDER //

SECTION OFFICER